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2009 DEC 29 AM 9:56

OFFICE OF GENERAL
COUNSEL

December 28, 2009

VIA FEDERAL EXPRESS

Jeff S. Jordan
Supervising Attorney
Complaints Examination &
Legal Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: Stouffer for Congress
Matter Number: MUR 6237

Dear Mr. Jordan:

I am counsel for Stouffer for Congress ("SFC"). The committee has received your letter dated December 14, 2009 addressed to Mr. Rohrbach, as treasurer of the campaign. Apparently essentially identical letters were sent to Bill Stouffer, Aaron Baker, Heidi Kolkmeier and Reece & Nichols Real Estate. All of these letter recipients, except for the candidate, Bill Stouffer, and Reece & Nichols Real Estate, are volunteers for the campaign. I have interviewed all of these letter recipients and am making this response on all of their behalves. (Please note that Larry and Donna Shutt are the owners of the Reece & Nichols Real Estate office in Odessa, Missouri and they have individually signed the Statement of Designation of Counsel.) In that regard, I have enclosed a Statement of Designation of Counsel for each of these letter recipients.

Much of the complaint raises concerns about expenditures made by Friends of Bill Stouffer, Stouffer's state-level campaign committee ("FOBS"). The complaint is disorganized. It is difficult to respond to allegations that are so vague and diverse and that are based upon information the complainant apparently has no personal knowledge of, but instead has received from "a friend who has requested to remain anonymous." Notwithstanding the rambling format of the complaint, I appreciate that you are obligated to investigate these complaints whenever they are made. In an attempt to try to address this "buckshot" complaint, I have tried to distill the complaint down to its relevant components so that each component can be addressed separately. Here is the list I have developed:

1. Cost of federal campaign aspects of consulting and a poll;
2. Purchase of Garmin device by FOBS;

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3. Payment of registration for Republican Women's Conference by FOBS;
 4. State Senate staffers volunteering on campaign; and
 5. Phone number alleged to be attributed to a real estate office.

If you believe that other items need to be separately addressed, please let me know and I will promptly seek out the information to be able to address those items.

Cost of Federal campaign aspects of consulting and a poll

In the summer of 2009, Senator Stouffer was considering what he might politically do in the future. Stouffer is ineligible to run for re-election to the State Senate due to Missouri's term limits. Stouffer was contemplating running for a state-wide Missouri office at some point in the future or for Congress in 2010. To assist in the evaluation of the possibility of seeking another elected office, Stouffer engaged a political consulting firm, Axiom Strategies, LLC ("Axiom"), to consult with him and arrange for a poll to evaluate his electability. This poll was both for a possible state-level campaign and for a campaign for U.S. Congress. The state-level aspects of the consulting and polling were paid for by FOBS. SFC had not been created at the time because Stouffer was not yet running for Congress and did not meet the criteria for needing to form a federal campaign committee. Since SFC did not exist, Stouffer personally paid Axiom for the federal portion of the consulting and polling.

Stouffer was advised that the federal portion of the consulting and poll was \$2,300. This amount was paid by a personal check from Stouffer (check number 11047) dated July 3, 2009. A copy of the check is being provided with this letter.

This is the only item in the complaint that has some legitimacy. The payment by Stouffer, individually, probably should have been reported on the Third Quarter FEC Report as an in-kind contribution. This in-kind contribution was overlooked when the Third Quarter FEC Report was prepared and filed. An amendment to the Third Quarter FEC Report has been prepared to reflect this in-kind contribution by Stouffer.

Purchase of Garmin device by FOBS

FOBS is still in existence. FOBS has never made any expenditures in support of Stouffer's campaign for Congress. As a state-level campaign committee, FOBS is regulated by Missouri law. Mo. Rev. Stat. Section 130.034(2) provides, in part:

2. Contributions may be used for any purpose allowed by law including, but not limited to . . .

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any expenses associated with the duties . . . of elective office pertaining to the entertaining of or providing social courtesies to

constituents, professional associations, or other holders of elective office . . .

(5) To contribute to a political organization or candidate committee as allowed by law;

The Senate District that Senator Stouffer serves is made up of eight full counties (Carroll, Chariton, Cooper, Howard, Lafayette, Macon, Ray and Saline Counties) and part of a ninth county (Clay County). This is a lot of geographic area to travel just within the Senate District. However, Senator Stouffer also serves on several important committees including serving as chairman of the Senate's Transportation Committee, as vice chairman of the Senate's Agriculture, Food Production and Outdoor Resources Committee and as chairman of the Joint Committee on Transportation Oversight. These committees have state-wide implications so Senator Stouffer is frequently required to travel throughout the entire state in his role on these and other committees related to his service as State Senator. The Garmin device complained about was purchased by FOBS to help Senator Stouffer find the various meeting places he has to travel to as a State Senator. This expenditure is consistent with the provisions of Mo. Rev. Stat. Section 130.034(2)(2), which allows expenditures from a state level committee for "Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office." This expenditure was not made to support Senator Stouffer's campaign for Congress.

Payment of registration for Republican Women's Conference by FOBS

The complainant is apparently quite confused about the registration for the Republican Women's Conference that was paid for by FOBS. This was a conference that was attended by several women from Senator Stouffer's Senate District. Contrary to the complaint, Senator Stouffer did not even attend the conference. Therefore, it would be impossible for Senator Stouffer to have attended the conference as a candidate for Congress. This expenditure is permissible under subsections (3) ("expenses associated with . . . entertaining of or providing social courtesies to constituents") and (5) contributing to a political organization or candidate committee as allowed by law) of Section 2 of Mo. Rev. Stat. Section 130.034. This expenditure was not related to any campaign for federal elective office.

State Senate staffers volunteering on campaign

The complaint states that "State Senate staffers Aaron Baker and Heidi Kolkmeier are state employees who are working for the federal campaign." This is partial truth. Baker and Kolkmeier are State Senate staffers. They are also supporting Stouffer in his bid to become a U.S. Congressman. However, the complainant is incorrect in his assertion that Baker and Kolkmeier are working for SFC while on the State's payroll. The staff of a Missouri Senator do not work normal business hours. It is not unusual for staff of a Missouri Senator to work nights and weekends, but have some available free time during a traditional work day. Also, Heidi Kolkmeier has a unique set of circumstances. She started working from home full-time when her daughter was born in January of 2009 so she is rarely in the official office of Senator Stouffer. However, staff for a Missouri Senator are strictly prohibited from working on any political activities while "on the clock" for the State. Any work Aaron Baker and Heidi

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Kolkmeier have done on the federal campaign has been done as a volunteer at times when they are not working for the State.

Phone number alleged to be attributed to real estate office

The complaint also alleges that "Heidi Kolkmeier is scheduling the Senator's fundraising appointments from a phone (660-351-2663) registered to Reece and Nichols, a real estate agency in his district." Once again this is partially true. Kolkmeier is scheduling Stouffer's appearances. This is something she does for Stouffer in his official capacity as State Senator when working for the State. This is something she does as a volunteer for SFC when she is not working for the State. However, the complaint is incorrect when it alleges that the phone number identified in the complaint is registered to a real estate office. This particular phone number has never been the phone number of the Reece and Nichols office. This phone number is a cell number. The Reece and Nichols office does not own or pay for the cell phones of any agents in its office. The cell phone number belongs to Heidi Kolkmeier. She believes she or her parents have had this number for around eight years. Kolkmeier has been using this number with her current cell phone service provider for approximately five years. The complaint is simply mistaken.

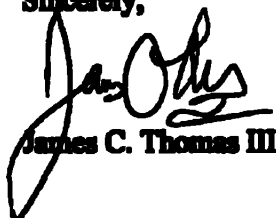
Conclusion

I hope this assists you in your review of the facts regarding the complaint. As detailed herein, all but one of the items raised in the complaint are without merit. The one item that has some merit (the necessity to report the costs of the federal aspects of the poll taken in the late summer of 2009) has been addressed by an amendment to the Third Quarter Report.

I had considered providing affidavits to you to support the factual statements in this letter. I have not done that at this time because I wanted to give you an opportunity to review this response and let me know if there are other items in the rambling complaint that you want me to address. Once I have been able to determine whether there are any other items that you would like to see addressed, I would be glad to obtain supporting affidavits from the recipients of your initial letter. Please contact me to discuss this.

If I can provide any additional information, please contact me.

Sincerely,


James C. Thomas III

JCT3/pb

Enclosures

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 212-2222

MUR # 6237

NAME OF COUNSEL: James C. Thomas III

FIRM: Law Office of James C. Thomas III

ADDRESS: 413 N. Mulberry Drive, Ste 200,

Kansas City MO 64116

TELEPHONE- OFFICE (816) 584-9393

FAX (816) 584-9394

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12-25-09 Larry Rohrbach Treasurer
Date Respondent/Client Signature Title

RESPONDENT/CLIENT Larry Rohrbach
(Please Print)

MAILING ADDRESS: _____

California, MO 65018

TELEPHONE- HOME _____

BUSINESS (573) 690-2785

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(1)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2005

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client.
FAX (202) 218-3823

MUR # 6237

NAME OF COUNSEL: James C. Thomas III

FIRM: Law Office of James C. Thomas III

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The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12/27/09 Bill Stoffer Candidate
Date Respondent/Client Signature Title

RESPONDENT/CLIENT Bill Stoffer
(Please Print)

MAILING
ADDRESS: _____

Nepton, MO 65340

TELEPHONE- HOME (_____) _____

BUSINESS (660) 287 4570

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FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
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The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12-28-09
Date

Aaron Baker
Respondent/Client Signature

Title

RESPONDENT/CLIENT Aaron Baker
(Please Print)

MAILING
ADDRESS: _____

Columbia, MO 65202

TELEPHONE- HOME () _____

BUSINESS (660) 281-7777

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Commission and the confidentiality provisions of 2 U.S.C. § 4371(a)(1)(A) apply. This section
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FEDERAL ELECTION COMMISSION
999 E Street, NW
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MUR # 6237

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FAX: (816) 584-9354

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12-24-07 Hardi Kulkarni _____
Date Respondent/Client Signature Title

RESPONDENT/CLIENT: Hardi Kulkarni
(Please Print)

MAILING ADDRESS: Po Box 56

Wellington, MO 64097

TELEPHONE-HOME () _____

BUSINESS () _____

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MUR # 6237

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FAX (816) 584-9394

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counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

12-24-09 Larry E. Shutt President
12/24/09 Donna S. Shutt V. President
Date Respondent/Client Signature Title

RESPONDENT/CLIENT Larry E. and Donna S. Shutt
(Please Print)

MAILING
ADDRESS: _____

Odessa, MO 64076

TELEPHONE- HOME () _____

BUSINESS (816) 230-3114

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